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REMARKS

Claims 1-18 remain pending in the present application. By virtue of this response, claims 1-10 and 12-16 have been amended. The amendments to the claims are made to further clarify the claimed subject matter. A narrowing amendment or cancellation, if any, of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added to the application by the amendments.

Rejections under 35 U.S.C. §102(b) or 103(a)

The Office has rejected claims 1-4. The Office Action recites that 35 U.S.C. Sec. 102 is the basis for rejecting these claims (Office Action bottom of page 2), but the text following that recitation states that claims 1-4 are rejected under 35 U.S.C. Sec. 103(a) (Office Action top of page 3). In view of the rationale laid out in the Office Action for the rejection, Applicants have treated the rejection as one made under 35 U.S.C. Sec. 102 rather than Sec. 103. If Applicants have misunderstood the basis for the rejection, Applicants would appreciate clarification of the rejection and a further opportunity to address the rejection before any final action is issued.

Claims 1-4 were rejected as being unpatentable over Saito et al. (6,121,634). Applicants respectfully traverse the rejection.

To anticipate a claim under 35 U.S.C. Sec. 102, a reference must disclose subject matter embodying each and every feature specified in the patent claim. Saito et al. fails to do so.

Applicants' claim 1 claims a nitride semiconductor light emitting device in which at least one of the electrodes is electrically separated into at least two regions. Thus, the p-electrode could be formed in at least two p-electrode regions, the n-electrode could be formed in at least two n-electrode regions, or there could be at least two p-electrode and at least two n-electrode regions in the claimed nitride semiconductor light emitting device.

Saito et al. in Figure 6A discloses a nitride semiconductor light emitting device having an n-electrode 210 and a p-electrode 211. Applicants submit that Saito et al. does not discuss a

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device in which either or both of the electrodes are formed in discrete regions so that there is a plurality of regions of the same electrode type. Saito et al. may separate their p-electrode and n electrode from one another by intervening layers, but Saito et al. is silent on forming the p-electrode and/or the n-electrode into at least two regions that are electrically separated from one another. Saito et al. therefore fails to disclose a feature specified for Applicants' claimed subject matter, that the p-electrode is electrically separated into at least two regions and/or the n-electrode is electrically separated into at least two regions.

Claims 2-4 depend from claim 1, and claims 2-4 therefore incorporate the features of claim 1 by reference. Because Saito et al. does not disclose subject matter having each feature specified in Applicants' claim 1 as discussed above, Saito et al. cannot render claims 1-4 unpatentable under 35 U.S.C. Sec. 102.

Rejections under 35 U.S.C. §103(a)

The Office has rejected claims 5-18 as allegedly being unpatentable over Saito et al. (6,121,634) in view of Yoshida et al. (5,663,975). The Office mistakenly characterized Saito et al. as describing a device in which one of the electrodes is divided into regions. Saito et al. does not disclose such a device, as discussed above in the remarks for claim 1. Based on the mistaken deduction, the Office concluded that motivation to combine Saito et al. and Yoshida et al. existed due to a desire to maintain Saito et al.'s laser chip at constant temperature by incorporating the structure described by Yoshida et al. as providing the temperature-stabilizing effect (which is a separate optical cavity in which electrodes are electrically coupled through a resistor) into Saito et al.'s device (see especially Yoshida et al. column 13 lines 5-22, where it is necessary to have two optical cavities to determine the temperature of Yoshida et al.'s laser chip). Applicants respectfully traverse the conclusion of obviousness of the claimed subject matter.

Two or more references do not render claimed subject matter obvious where the references, even when combined, do not provide subject matter having each feature of the claimed subject matter.

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The references fail to disclose the subject matter of claims 5-18 even where the references are combined. Neither reference discloses separating an electrode corresponding to a single resonator or optical cavity into at least two regions, as is found in the subject matter of claims 5-18 through their dependence from claim 1. Saito et al. has a single p-electrode and a single n-electrode associated with their single resonator, and neither of these electrodes is formed of two or more regions. Likewise, Yoshida et al. does not disclose plural electrode regions of the same type for a single optical cavity. Yoshida et al. has four optical cavities or resonators in the device depicted in their Fig. 9, and each of 318a, 318b, 318c, and 318d is associated with its own individual optical cavity. None of the optical cavities has an electrode associated with it that is divided into two or more regions that are each associated with that particular optical cavity as is required by claims 5-18.

In view of the cited references failing to disclose an optical cavity in a light emitting device having at least one of the electrodes associated with that cavity divided into plural regions, each feature of Applicants' claimed subject matter is not present even when Saito et al. and Yoshida et al. are combined. Claims 5-18 are therefore not rendered unpatentable under 35 U.S.C. Sec. 103(a) by Saito et al. in view of Yoshida et al.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402008000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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